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08/948,530	10/09/1997	ALEC MILOSLAVSKY	P3253	7093

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EXAMINER

NGUYEN, STEVEN H D

ART UNIT PAPER NUMBER

2665

DATE MAILED: 10/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

08/948,530

Applicant(s)

MILOSLAVSKY, ALEC

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-9 and 14-16 is/are allowed.
- 6) ☒ Claim(s) 6-9 and 14-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 6-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginsberg (USP 6064730).

Regarding claim 6, Ginsberg discloses (Fig 1-5 and col. 1, lines 17 to col. 6, lines 8) an Internet Protocol Network Telephony (IPNT) call-routing system for routing incoming IPNT calls to at least one agent workstation in an IPNT capable call center (Fig 2, Ref 375 is an agent workstation at a center), comprising an initial call-processing system in the Internet receiving IPNT calls from customers in the Internet (Fig 2, Ref 275 is a customer for making an internet call to a call routing system; See col. 3, lines 7-27), and including a Service Control Point (SCP) processor routing the incoming IPNT calls to selected agent addresses at the at least one call center (Fig 2, Ref 275 is a call service and routing for selecting an address of agent for routing a

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call; See col. 4, lines 1-37) by using activity information, including one or more of call volume, agent status, and agent skills, received from the at least one call center to select the agent addresses at agent workstations in the at least one call center to route the incoming IPNT calls (Fig 2, Ref 352, 354 and 356 and col. 4, lines 38-63).

Regarding claim 7, Ginsberg discloses a SCP which connects to CTI via an internet (See col. 4, lines 1-38 and Fig 2, Ref 250 and 275).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginsberg (USP 6064730) in view of Bateman (USP 5884032).

Regarding claims 8-9, Ginsberg does not disclose a CTI and a plurality of computers are connected on a LAN and a data server for storing customer information. However, in the same view of endeavor, Bateman discloses a CTI, data server and computers are connected on a LAN (Fig 1, Ref 18, 36, 42 etc).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a local area network at a call center for connecting a plurality of computers as disclosed by Bateman into Ginsberg's call routing system. The motivation would have been to reduce cost of the call center. Even without, the teaching of Bateman, one of

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ordinary skill in the art would know how to connect the computers together using a LAN because LAN is well known and expected in the art.

5. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrew (USP 5848143) in view of Gottlieb (USP 5920621) or Lindeberg et al (USP 6049479).

Andrew teaches an Internet Protocol Network Telephony call-routing system (see in figure 9) for routing incoming IPNT calls (from Internet callers 4 and 5) to agents (402-406) in an IPNT capable center (400), comprising an initial call-processing system (408) in the Internet for receiving calls from customers (410,412) in the Internet (408). Andrews differs from the claim in that Andrew does not teach the use of SCP processor in the call processing system in the Internet to route incoming calls based on agent status. However, such feature is well known in the art of telephony. For example, Gottlieb describes in details how a SCP processor (226) that routes incoming calls to appropriate operator/agent using operator/agent status (see col. 7, lines 36-63). In another prior art example, Lindeberg also teaches SCP processor 231 that routes incoming calls to appropriate operator/agent using operator/agent status (see figure 5; col. 11, lines 21-27) in a computer telephony integration (CTI) environment which is similar to Andrews' computer telephony integration environment. Gottlieb further teaches force management database (col. 10, lines 52), and Lindeberg teaches database 252 (figure 1). The use of SCP processor to route incoming calls to appropriate operator/agent using operator/agent status enhance call routing efficiency. Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Gottlieb's or Lindeberg's teaching of using a SCP processor to route incoming calls to appropriate operator/agent using operator/agent status in Andrew's system with the motivation being to enhance call routing efficiency.

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6. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews et al (USP 5848143).

Regarding claims 14-16, Andrews teaches an Internet protocol network telephony system having a routing server (48 or 480) and database (54 or 476). The routing server routes the incoming calls to the agents using stored and processed information in the database (historical information) about transactions including agent skill, status, availability, etc. See col. 6, lines 31-35 and 42-62. Andrews further teaches that the system can handle Internet phone call. See figure 9, col. 11, and lines 39-67. Andrews differs from the claim in that Andrews database is within the call center as opposed to being located remotely from the call center (claim 14) or located in the Internet (claim 16). However, one skilled in the art would have recognized that such remote location would have been desirable if the information is to be shared among different call centers or that the information is to be managed by a remote management site. If the call center fails, an independent remote site can still provide the information to other call center. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Andrews' system to have the database located remotely from the call center with the motivation being to share the information among the call center and to enhance the reliability of the sharing even in the case the call center fails.

#### ***Response to Arguments***

7. Applicant's arguments filed 7/3/2002 have been fully considered but they are not persuasive.

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In response to pages 4-6, the applicant states that Andrews, Lindeberg and Gottlieb do not disclose an SCP which is coupled to internet for routing incoming call. In reply, Andrew clearly discloses a controller which is coupled to the internet for receiving incoming internet call and routing to a agent of call center (See Fig 9, the controller 30 which is coupled to the internet network 408 for receiving the internet call from user 410 and routing the incoming internet call to an agent system 406). The Internet comprises a plurality of subnetworks which couples via the router, switch etc. Gottlieb discloses a SCP which couples to a gateway, has a database for using for routing the call-to-call basic (See col. 7, lines 5 to col. 8, lines 19) and Lindeberg discloses a SCP couples to a CTI by using Internet protocol. Therefore, SCP can connect to the Internet via TCP/IP protocol.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Andrews discloses a controller for routing the internet calls to the agent computer on a call by call basic based on the information in the database and controller has a database for storing agent status, skills, internet address and coupling to internet (Col. 11, lines 39 to col. 13, lines 8 and Fig 9). Gottlieb and Linderberg disclose an SCP couples to a gateway or CTI for routing the call to an agent. Therefore, it would have been obvious to one of ordinary skill in the art to apply an SCP as disclosed by Gottlieb and Linderberg into Andrews's

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telecommunication system. Even without, the teaching of Gottlieb and Linderberg, one of ordinary skill in the art would have been to recognize SCP of Gottlieb and Linderberg can replace a database of Andrews. Furthermore, Andrews, Lindeberg and Gottlieb disclose a method for routing the incoming call to an agent in the call center. Therefore, it would have been obvious to one of ordinary skill in the art to search for the prior arts in the same field of endeavor which discloses a SCP that uses internet protocol and has a database in order to integrate the database of Andrews with a database of SCP in order to routing the call via gateway or-router at the network level etc.

On pages 6 and 9 of the remarks in the last paragraph, Applicant argues that there is no enabling disclosure for routing incoming call between the server 480 and a SCP in the internet. However, Andrews clearly discloses a database 54 is connected to the routing server 48 in fig 2 and database 476 is connected to the routing server 480 in figure 10. the database "same as database of SCP" which communicates with routing server by using a TCP/IP protocol. The applicant states that Andrews fails to disclose a CTI processor and a database for storing the information of the agent at a remote agent. In reply, Andrews discloses a processor for collecting the information for transmitting to a data base and it is obvious to one of ordinary skill in the art to store the information of the agent of the remote call center into a database (See Paragraph 6 of the office action).

In response to pages 7-8, the applicant states that Ginsberg fail to teach a SCP in the internet for routing the incoming internet call . In reply, Ginberg discloses a control and signaling module "read on SCP" 275 which coupled to the databases, receives an incoming internet call from a client and routing the incoming internet call to the to an agent at the call



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center by using IP address wherein the control and signaling module "read on SCP" 275 is coupled to internet 176 and links between the a control and signaling module and the servers 300, 200 and internet switching audio 250 (See paragraph 2 of the office action) as disclosed in claim 6.

The teaching of Andrews, Lindeberg, Ginsberg and Gottlieb perform the claim invention.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

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- Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Steven HD Nguyen  
Primary Examiner  
Art Unit 2665  
October 17, 2002